

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

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DAVID MUNIZ and CATHY MUNIZ,

Plaintiffs,

v.

SILVIA VITIELLO and AIRBNB, INC.,

Defendants.

**Docket No.:**  
**3:23-cv-00825**

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**UNOPPOSED MOTION TO EXTEND TIME FOR PLAINTIFFS  
TO RESPOND TO DEFENDANT VITIELLO'S  
MOTION TO DISMISS AND COMPEL ARBITRATION**

Plaintiffs David Muniz and Cathy Muniz, by and through their counsel, John E. Lavelle, Esq., hereby move for an extension of time to respond to Defendant Vitiello's Motion to Dismiss and Compel Arbitration, and in support thereof, aver as follows:

1. This action arises from plaintiffs' exposure to carbon monoxide on February 26, 2022, at a house rented to family members. The home was located at 627 Carlton Road, Tobyhanna, PA and was owned by Defendant Silvio Vitiello (s/h/a Silvia Vitiello) and offered for rent on the Air BNB website.

2. Plaintiffs' complaint sounds in negligence and plaintiffs are seeking monetary damages for their pain and suffering and economic losses.

3. Defendant Silvio Vitiello filed a motion to dismiss plaintiffs' complaint and compel arbitration on July 25, 2023.

4. Plaintiffs respectfully request a thirty-day extension of time to respond to the motion. The parties are involved in negotiations to resolve this matter. Defendant Vitiello does not oppose this application for an extension of time to respond and it is being filed on consent.

5. Because Defendant Vitiello concurs in this request as set forth in the preceding paragraphs, no supporting brief is required pursuant to Middle District Local Rule 7.5.

6. Plaintiffs submit this request is made in good faith and not for purposes of delay.

7. A proposed Order is annexed hereto.

**WHEREFORE**, Plaintiffs respectfully pray that this motion be granted in its entirety and that plaintiffs be granted an extension of time to respond to Defendant Vitiello's Motion to Dismiss and Compel Arbitration up to October 6, 2023.

Dated: Williston Park, New York  
September 5, 2023



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**CERTIFICATE OF CONSENT**

I, John E. Lavelle, hereby certify that counsel for Defendant Vitiello, Danielle Pell, Esquire, does not oppose the foregoing Motion and it is being filed on consent of Defendant Vitiello.

Dated: Williston Park, NY  
September 5, 2023

  
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John E. Lavelle, Esq.

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**CERTIFICATE OF SERVICE**

I, John E. Lavelle, Esq., hereby certify that a true and correct copy of the foregoing Unopposed Motion to Extend the Time for Plaintiffs to Respond to Defendant Vitiello's Motion to Dismiss and Compel Arbitration upon appeared counsel or all parties via the Court's ECF system on September 5, 2023.

  
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John E. Lavelle, Esq.